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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,666	02/27/2004	Walton Fong	HSJ9-2003-0210US1	7551
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The Patent Law Office of Larry Guernsey P.O. Box 720247 San Jose, CA 95172				
EXAMINER				
SRIRAMAN, NIKHIL				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/789,666

**Applicant(s)**

FONG ET AL.

**Examiner**

NIKHIL SRIRAMAN

**Art Unit**

3664

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5,9,10,12-27 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-10,12-27 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

### **DETAILED ACTION**

This is a final Office Action in response to communications filed by Applicant on June 13, 2008. The amendment of claims 1 and 14 has been entered. Therefore, claims 1-5, 9-10, 12-27 and 31 remain pending and have been addressed below.

#### ***Specification***

1. The disclosure is objected to because of the following informalities: Page 9, line 10 recites "has previously be activated" which should instead state --has previously been activated--.

Page 10, lines 6 and 7 recites "travel's" and "travel" respectively where both should instead state --traveler's-- and --traveler--. Appropriate correction is required.

#### ***Claim Objections***

2. Claim 1 is objected to because of the following informalities: line 10 recites "the additional commentary" despite the absence of the introduction of this limitation earlier in the claim. Line 10 also recites "images" which is not preceded by either "the" or "said" despite the introduction of this limitation on line 7.

Claim 5, line 2 discloses the limitation "sound files" without a preceding "the" despite the recitation of "sound files" in claim 1. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-5, 9-10, 12-27 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Regarding claim 1**, lines 8 and 12 recite "can be" and line 9 recites "may be". These phrases lead to confusion as to the claim scope for at least two reasons. First, this functional language is not positively recited, but merely recited as possibility. Thus, it is not clear whether the functions following these phrases need be included to read on this claim. Second, no structure is recited to perform these functions, unlike were a processor claimed and stated to perform the aforementioned functions.

**Regarding claim 14**, line 16 recites "can be", which renders the claim indefinite for the aforementioned reasons.

#### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, 5, 9, 12, 14-16, 18-24, 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel (2003/0164819 A1) in view of Safai (6,715,003).

**Regarding claims 1, 14, 15, 18, 21-23, 26-27**, Waibel discloses a travel assistant device comprising a travel assistant device (Fig. 1) comprising:

a hard disk drive including at least one database (Fig. 2, item 101);

a digital camera (Fig. 2, item 103);

a microphone (Fig. 2, item 105);

a display screen (Figs. 1-2, item 102);

at least one speaker (Fig. 2, item 104);

database software ([0030] via programming code) by which images and sound input from said digital camera and said microphone are stored in said hard disk drive as a personal log database (Fig. 2, item 203; [0030]-[0032] disclose audio and video data stored in memory 203), which can be displayed on said display screen and through said speaker ([0029] discloses processor 202 can convert output signals for display 102, headphones 104), where said personal log database may be updated by the additional commentary and images as desired ([0040] via "memory 203 includes a database with information related to the type of object that are to be identified. . ."; [0060] via "the user may also update or populate the database"; [0057] discloses this information or commentary relating to the images is found in the database), and where said database software retrieves downloaded database information which includes images and text which act as a travel instructor ([0059] via "user downloads information into the database"; [0057] discloses this information relates to objects encountered while traveling, which examiner construes to acts a travel instructor), and where said downloaded database information can be augmented by images as desired ([0061] via "After populating the database, the user points the digital camera 103 towards and object to be identified and records the scene." Note Examiner construes above

memory 203 to be the database and because video data is recorded by the user the database is augmented);

a portable translator device a which includes an Optical Character Recognition engine (Fig. 1, item 205; [0049]), which takes input of graphic images of words from said digital camera (Fig. 3, item 303; [0047]) in a language unfamiliar to the user and converts them to characters in said unfamiliar language (Fig. 3, item 304-306; [0049]-[0050] discloses the first language to be Chinese, which [0007] discloses can be unknown), and a dictionary module which takes said characters generated by said Optical Character Recognition engine and produces translated files in a language familiar to the user (Fig. 3, item 307; [0050]), and outputs said translated files to said view screen and at least one speaker ([0011] discloses the device outputs translation information, while [0029] states output information occurs on speaker and screen); and

a Global Positioning System (GPS) module wherein said GPS module allows downloads of interactive digital guide information, and said GPS allows tracking of the user [0060].

Waibel fails to disclose the database information includes sound files and that the database information can be augmented by additional commentary as desired. Waibel also fails to disclose the personal log database is found within the same embodiment as the optical character recognition and dictionary module.

However, Safai discloses a handheld device (abstract) where said database information includes sounds files and can be augmented by said additional commentary

as desired (Col. 12, lines 54 – Col. 13, line 13). Furthermore, it is notoriously common in the art to integrate functions of separate handheld devices into one device.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to combine the travel assistant device as disclosed by Waibel with the use of sound files and the ability to add desired commentary as disclosed by Safai in order to provide audio navigation guidance. Further, it would have been obvious to one having ordinary skill in the art at the time of invention to integrate the two embodiments as disclosed by Waibel into one embodiment in order to avoid having to carry two separate handheld devices in order to possess both translational and object recognition capabilities.

**Regarding claim 2**, Waibel further discloses the travel assistant device comprises a touch-screen display ([0080]).

**Regarding claims 3 and 16**, Waibel further discloses said display screen displays slides (Fig. 5, item 507 discloses retrieval of information, while [0057] discloses what information is to be displayed which examiner construes constitutes a slide).

**Regarding claim 5 and 19**, Waibel further discloses said at least one speaker plays sound files (Fig. 1, item 104; [0029]).

**Regarding claims 9 and 24**, Waibel discloses a travel assistant device that produces files (Fig. 6, item 602-603).

Waibel fails to disclose the travel assistant device produces HTML files for output to web sites.

However, Safai discloses a system for files (abstract) where HTML files are produced for output to web sites (Col. 16, lines 30-50).

Therefore, it would have been obvious to one having ordinary skill in the art to combine the travel assistant device as disclosed by Waibel with creating HTML files for web uploading as disclosed by Safai in order to allow for direct uploading to the internet of travel material for friends and family to quickly view.

**Regarding claims 12 and 20**, Waibel further discloses a text-to-speech engine ([0028]).

7. Claims 4, 10, 17 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel in view of Safai (6,715,003) and further in view of Harrington et al. (2003/0145338).

**Regarding claim 4, 10, 17 and 25**, Waibel discloses the travel assistant displays and produces streaming images (Fig. 6, item 602; [0029] discloses processor 202 can convert output signals for display 102, headphones 104).

Neither Waibel nor Safai disclose the streaming images are MPEG movies.

However, Harrington discloses a system for manipulating video files (abstract) where MPEG files are used as streaming video files ([0020]).

Therefore, it would have been obvious to one having ordinary skill in the art to combine the travel assistant device as disclosed by Waibel and Safai that to use MPEG files as the streaming images as disclosed by Harrington in order to provide a convenient and industry standard file type for the streaming images.



8. Claims 13 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waibel in view of Safai (6,715,003) and further in view of Kennewick et al. (2003/0145338 A1).

**Regarding claims 13 and 31**, Waibel further discloses the travel assistant emits audio files ([0029] discloses processor 202 can convert output signals for display 102, headphones 104).

Neither Waibel nor Safai disclose that the audio files are used with an MP3 player.

However, Kennewick et al. discloses a mobile speech based device (abstract) that uses MP3 files as audio files ([0168]).

Therefore, it would have been obvious to one having ordinary skill in the art to combine the audio files of the travel assistant device as disclosed by Waibel and Safai with the use of MP3 files as disclosed by Kennewick in order to provide a convenient and industry standard file type for the audio files.

### ***Response to Arguments***

9. Applicant's arguments with respect to claim 1-5, 9-10, 12-27 and 31 have been considered but are moot in view of the new ground(s) of rejection.

The amendment of independent claims 1 and 14 has resulted in the change of Waibel as a secondary reference to the primary reference. Applicant on page 11 of the Response to Arguments Section, in arguing that combination of the cited references

was non-obvious, states that "it is perhaps telling that the Examiner has had to use four different references to allegedly find these cited features."

Examiner respectfully disagrees. While a total of four references are cited, no individual claim is rejected under more than three references. Given the analogous nature of these references their combination thereof is deemed obvious.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **NIKHIL SRIRAMAN** whose telephone number is

(571)270-5797. The examiner can normally be reached on Monday through Friday, 7:30am-5:00pm, with every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on 571-272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NIKHIL SRIRAMAN  
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